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Crime prevention and criminal justice

Italy: draft resolution

Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity

The General Assembly,

Reaffirming its resolutions 46/152 of 18 December 1991, 60/1 of 16 September 2005, 60/177 of 16 December 2005, 61/252 of 22 December 2006, 64/178 and 64/179 of 18 December 2009 and 64/237 of 24 December 2009,

Taking note with appreciation of the adoption by the Economic and Social Council of the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime,[1] which aims, inter alia, to enhance its effectiveness and flexibility in providing technical assistance and policy services,

Reaffirming its resolutions relating to the urgent need to strengthen international cooperation and technical assistance in promoting and facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[2] the United Nations Convention against Corruption[3] and all the international conventions and protocols against terrorism, including those that recently entered into force,

Reaffirming also the commitments undertaken by Member States in the United Nations Global Counter-Terrorism Strategy adopted on 8 September 2006,[4] and its successive reviews of 4 and 5 September 2008[5] and of 8 September 2010,[6]

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[1] Economic and Social Council resolution 2007/12, annex.
[2] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.
[3] Ibid., vol. 2349, No. 42146.
[4] Resolution 60/288.
[5] See resolution 62/272; see also *Official Records of the General Assembly, Sixty-second Session, Plenary Meetings*, 117th to 120th meetings (A/62/PV.117-120), and corrigendum.
[6] Resolution 64/297.

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Emphasizing that its resolution 64/137 of 18 December 2009, on the intensification of efforts to eliminate all forms of violence against women, has considerable implications for the United Nations Crime Prevention and Criminal Justice Programme and its activities,

Taking into consideration all relevant resolutions of the Economic and Social Council, in particular resolutions 2008/23, 2008/24 and 2008/25 of 24 July 2008, and all those relating to the strengthening of international cooperation as well as the technical assistance and advisory services of the United Nations Crime Prevention and Criminal Justice Programme of the United Nations Office on Drugs and Crime in the field of crime prevention and criminal justice, promotion and reinforcement of the rule of law and reform of criminal justice institutions, including with regard to the implementation of technical assistance,

Welcoming the report of the Secretary-General on protection against trafficking in cultural property[7] and the outcome of the thematic discussion on trafficking in cultural property held by the Commission on Crime Prevention and Criminal Justice at its nineteenth session, in 2010,

Recalling the high-level meeting of the General Assembly on transnational organized crime and the special treaty event, held in New York on 17 and 21 June 2010, respectively, convened pursuant to resolution 64/179, which marked the renewed political commitment of the international community to tackling transnational organized crime,

Taking note with appreciation of the adoption of the United Nations Global Plan of Action to Combat Trafficking in Persons,[8]

Deeply concerned by the increasing challenge to development, peace and security and human rights posed by transnational organized crime, which undermines the rule of law, negatively affects the security and stability of nations and obstructs the development of sustainable, stable and safe societies, thus representing an increasingly serious obstacle to the achievement of the Millennium Development Goals,

Concerned by the serious challenges and threats posed by the illicit trafficking in firearms, their parts and components and ammunition,

Deeply concerned about the increasing connection and, in many cases, partnership of convenience between transnational organized crime, illicit drugs, illegal arms trafficking, money-laundering and terrorism, and emphasizing the need to enhance coordination of efforts at the national, subregional, regional and international levels in order to strengthen a global response to this serious challenge,

Concerned about the growing extent of the penetration of criminal organizations and their proceeds into the economy,

Recognizing that actions against transnational organized crime and terrorism are a common and shared responsibility, and stressing the need to work collectively to prevent and combat transnational organized crime, corruption and terrorism in all its forms and manifestations,

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[7] E/CN.15/2010/4.

[8] Resolution 64/293, annex.

Emphasizing that transnational organized crime must be addressed in full respect for the principle of the sovereignty of States and in accordance with the rule of law as part of a comprehensive response to promote durable solutions through the promotion of human rights and more equitable socio-economic conditions,

Recognizing the need to maintain a balance in the technical cooperation capacity of the United Nations Office on Drugs and Crime with regard to all relevant priorities identified by the General Assembly and the Economic and Social Council,

Recognizing also that, thanks to its broad membership and the wide scope of its application to all serious crimes, the United Nations Convention against Transnational Organized Crime offers an incomparable basis for international cooperation for extradition, mutual legal assistance and international confiscation and that it represents, in this regard, a yet-to-be exploited potential,

Mindful of the need to ensure universal adherence to and full implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and encouraging Member States to make full and effective use of these instruments,

Welcoming the adoption by the United Nations Office on Drugs and Crime of a regional approach to programming, based on continued consultations and partnerships at the national and regional levels, particularly on its implementation, and focused on ensuring that the Office responds in a sustainable and coherent manner to the priorities of Member States,

Recognizing the general progress made by the United Nations Office on Drugs and Crime in the delivery of advisory services and assistance to requesting Member States in the areas of corruption, organized crime, money-laundering, terrorism, kidnapping and trafficking in persons, including the support and protection, as appropriate, of victims, their families and witnesses, as well as drug trafficking and international cooperation, with special emphasis on extradition and mutual legal assistance,

1. *Takes note with appreciation* of the report of the Secretary-General on the implementation of the mandates of the United Nations Crime Prevention and Criminal Justice Programme, with particular reference to the technical cooperation activities of the United Nations Office on Drugs and Crime, prepared pursuant to General Assembly resolution 64/179;[9]

2. *Welcomes* the findings of the high-level meeting of the General Assembly on transnational organized crime and the special treaty event, held in New York on 17 and 21 June 2010, respectively, with particular reference to the Presidential summary of the meeting and the recommendations contained therein;[10]

3. *Welcomes* the political declaration adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, from 12 to 19 April 2010;[11]

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[9] A/65/116.

[10] See A/64/PV.96.

[11] See A/CONF.213/18.

4. *Takes note* of the publication *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*,[12] issued by the United Nations Office on Drugs and Crime which provides an overview of different forms of emerging forms of criminal activity and their negative impact on the sustainable development of societies;

5. *Reaffirms* the importance of the United Nations Convention against Transnational Organized Crime and the Protocols thereto[2] as the main tools of the international community to fight transnational organized crime;

6. *Takes note with appreciation* of the positive results of the pilot programme to review the implementation of the United Nations Convention against Transnational Organized Crime, involving a volunteer group of States parties from different regional groups;

7. *Reaffirms* the importance of the United Nations Crime Prevention and Criminal Justice Programme in promoting effective action to strengthen international cooperation in crime prevention and criminal justice, as well as of the work of the United Nations Office on Drugs and Crime in the fulfilment of its mandate in crime prevention and criminal justice, including providing to Member States, upon request and as a matter of high priority, technical cooperation, advisory services and other forms of assistance, and coordinating with and complementing the work of all relevant and competent United Nations bodies and offices;

8. *Calls upon* Member States to strengthen their efforts to cooperate, as appropriate, at the bilateral, subregional, regional and international levels to counter effectively transnational organized crime;

9. *Requests* the United Nations Office on Drugs and Crime to enhance its efforts, within existing resources and within its mandate, in providing technical assistance and advisory services for the implementation of its regional and subregional programmes in a coordinated manner with relevant Member States and regional and subregional organizations;

10. *Encourages* the United Nations Office on Drugs and Crime to continue its work, in collaboration with other relevant United Nations entities, towards enhanced coordination at the national, subregional, regional and international levels in order to strengthen the global response to the serious challenge and threat to peace and security posed by the increasing connection and, in many cases, partnership of convenience between transnational organized crime, illicit drugs, illegal arms trafficking, money-laundering and terrorism;

11. *Urges* the United Nations Office on Drugs and Crime to continue providing technical assistance to Member States to combat money-laundering and the financing of terrorism through the Global Programme against Money-Laundering, in accordance with United Nations related instruments and internationally accepted standards, including, where applicable, recommendations of relevant intergovernmental bodies, inter alia, the Financial Action Task Force on Money Laundering, and relevant initiatives of regional, interregional and multilateral organizations against money-laundering;

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[12] United Nations publication, Sales No. E.10.IV.6.

12. *Recognizes* the efforts made by the United Nations Office on Drugs and Crime to assist Member States in developing abilities and strengthening their capacity to prevent and combat kidnapping, and requests the Office to continue to provide technical assistance with a view to fostering international cooperation, in particular mutual legal assistance, aimed at countering effectively this growing serious crime;

13. *Urges* the United Nations Office on Drugs and Crime to increase collaboration with intergovernmental, international and regional organizations that have transnational organized crime mandates, as appropriate, in order to share best practices and to take advantage of their unique and comparative advantage;

14. *Draws attention* to the emerging policy issues identified in the report of the Secretary-General entitled "Implementation of the mandates of the United Nations Crime Prevention and Criminal Justice Programme, with particular reference to the technical cooperation activities of the United Nations Office on Drugs and Crime",[13] and invites the Office to explore, within its mandate, ways and means of addressing those issues, bearing in mind Economic and Social Council resolutions 2007/12 of 25 July 2007 and 2007/19 of 26 July 2007 on the strategy for the period 2008-2011 for the Office;

15. *Requests* the United Nations Office on Drugs and Crime, within its existing mandate, to strengthen the collection, analysis and dissemination of information to enhance knowledge about crime trends and support Member States in designing appropriate responses in specific areas of crime, in particular in their transnational dimension, taking into account the need to make the best possible use of existing resources;

16. *Urges* Member States and relevant international organizations to develop national and regional strategies, as appropriate, and other necessary measures, in cooperation with the United Nations Crime Prevention and Criminal Justice Programme, to effectively address transnational organized crime, including trafficking in persons, smuggling of migrants and illicit manufacturing of and transnational trafficking in firearms, as well as corruption and terrorism;

17. *Urges* the United Nations Office on Drugs and Crime to continue to assist Member States, upon request, in combating the illicit trafficking in firearms, their parts and components and ammunition, and to support them in their efforts to address its links with other forms of transnational organized crime, through, inter alia, technical assistance;

18. *Reaffirms* the importance of the United Nations Office on Drugs and Crime and its regional offices in building capacity at the local level in the fight against transnational organized crime and drug trafficking, and urges the Office to consider regional vulnerabilities, projects and impact in the fight against transnational organized crime, in particular in developing countries, when deciding to close and allocate offices, with a view to maintaining an effective level of support to national and regional efforts in those areas;

19. *Encourages* Member States to support the United Nations Office on Drugs and Crime in continuing to provide targeted technical assistance, within its existing mandate, to enhance the capacity of affected States, upon their request, to

[13] A/64/123.

combat piracy by sea, including by assisting Member States in creating an effective law enforcement response and strengthening their judicial capacity;

20. *Takes note with appreciation of the fact* that the number of States that have become parties to the United Nations Convention against Transnational Organized Crime has reached 157, which is a good indication of the commitment shown by the international community to combat these phenomena;

21. *Urges* Member States that have not yet done so to ratify or accede to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Convention against Corruption[3] and the international conventions and protocols related to terrorism;

22. *Encourages* States parties to continue to provide full support to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption, including providing information to the conferences regarding compliance with the treaties;

23. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with adequate resources to promote, in an effective manner, the implementation of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption and to discharge its functions as the secretariat of the conferences of the parties to the conventions, in accordance with its mandate;

24. *Welcomes* the progress achieved by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption in the implementation of their respective mandates, and looks forward to the successful outcome of the fifth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, to be held in Vienna from 18 to 22 October 2010;

25. *Also welcomes* the progress achieved by the three open-ended intergovernmental working groups on the United Nations Convention against Corruption, established by the Conference of the States Parties to the Convention, in particular the development of the terms of reference of a review mechanism, and looks forward to the relevant decisions of the Conference of the States Parties at its fifth session;

26. *Reiterates its request* to the United Nations Office on Drugs and Crime to enhance its technical assistance to Member States, upon request, to strengthen international cooperation in preventing and combating terrorism through the facilitation of the ratification and implementation of the universal conventions and protocols related to terrorism, in close consultation with the Counter-Terrorism Committee and its Executive Directorate, as well as to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, and invites Member States to provide the Office with appropriate resources for its mandate;

27. *Takes note* of the report of the intergovernmental group of experts to review and update the Model Strategies and Practical Measures on the Elimination

of Violence against Women in the Field of Crime Prevention and Criminal Justice,[14] convened in accordance with Commission on Crime Prevention and Criminal Justice decision 17/1 of 18 April 2008 entitled "Strengthening crime prevention and criminal justice responses to violence against women and girls";[15]

28. *Encourages* Member States to take relevant measures, as appropriate to their national contexts, to ensure the diffusion, use and application of the United Nations standards and norms in crime prevention and criminal justice, including the consideration and, where they deem it necessary, dissemination of existing manuals and handbooks developed and published by the United Nations Office on Drugs and Crime;

29. *Reiterates* the importance of providing the United Nations Crime Prevention and Criminal Justice Programme with sufficient, stable and predictable funding for the full implementation of its mandates, in conformity with the high priority accorded to it and in accordance with the increasing demand for its services, in particular with regard to the provision of increased assistance to developing countries, countries with economies in transition and those emerging from conflict, in the area of crime prevention and criminal justice reform;

30. *Expresses concern* regarding the overall financial situation of the United Nations Office on Drugs and Crime, and requests the Secretary-General to submit proposals in his proposed programme budget for the biennium 2012-2013 to ensure that the Office has sufficient resources to carry out its mandate;

31. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-sixth session on the implementation of the mandates of the United Nations Crime Prevention and Criminal Justice Programme, reflecting also emerging policy issues and possible responses;

32. *Also requests* the Secretary-General to include in the report referred to in paragraph 31 above information on the status of ratifications or accessions to the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

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[14] Resolution 52/86, annex.

[15] See *Official Records of the Economic and Social Council, 2008, Supplement No. 10* (E/2008/30), chap. I, sect. D.